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| EXAMINER |
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PESIN, BORIS M

| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,956

Applicant(s)

BOEUF, PATRICK GASTON
JOSEPH

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/02/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 04/02/2004.
2. Claims 1-16 are pending in this application. Claims 1, 11, and 16 are independent claims. In the Amendment A, Claims 1-9 were amended and claims 11-16 were added. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant, through the amendment, adds the limitations to claim 1 that "each focus buoy [is] not visible when its respective window is not visible". The applicant then states that "support for this change is show in Figures 2B and 2C". However, it is clear

that all of the windows in Figures 2B and 2C are visible, though some are partially overlapped by others.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "focus buoy" in line 19. There is insufficient antecedent basis for this limitation in the claim. It is unclear to which focus buoy the applicant is referring to, the focus buoy created in step b or step e.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4-9, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. (US 4939507) in view of Kaehler et al. (US 5515496) in further view of Diefenorff (US 4868765).

In regards to claim 1, it is inherent in Beard's invention that there exists a data processing system comprising at least a processing unit capable of executing simultaneously a number of application programs, a memory for storing said application programs, a display subsystem for displaying on a screen a plurality of windows associated respectively with a plurality of application programs, each window being able to overlay partially or totally one or several windows already displayed on said screen, and a mouse for moving a cursor to a selected location of said screen; said system being characterized in that the display subsystem comprises: a plurality of focus buoys

associated respectively with each of the plurality of windows (Figure 5, Elements 108, 66, and 64A), each focus buoy being displayed at a location on or beside its respective window at the same time its respective window is displayed on said screen (Figure 5, Element 108, and Figure 5, Element 55, The focus buoy is the icon which encapsulates a "little window" that contains the name of the window/file) and each focus buoy not visible when its respective window is not visible (this feature is inherent in a windowing system, if one was to cover up one window with another, the contents of the window underneath would not be visible), a table in said memory for storing the coordinates of a real location at which each focus buoy is displayed (i.e. "More specifically, the multiprocessor system comprises a general purpose host computer having a central processor having real resources including I/O devices, main memory, a video display with a display bitmap memory for display information that is destined for display on the display screen of said display and user input means, e.g. a keyboard and a cursor control device or mouse, to the host computer to provide user input to the display screen." Column 3, Line 6), and whereby the user may click any one of the displayed focus buoys to get the focus of its respective window (i.e. "A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol." Column 3, Line 14). Beard does not teach a data processing system whereby the display subsystem may display each focus buoy at each location

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defined in said table by simply shaking said mouse. Kaehler teaches that "... the user causes the edit handles to appear by merely directing the pointer of the pointing device at the selected display object (known as "mouseover" in the art), or by directing the pointer at the selected display object and moving it in a specified manner, such as by wiggling without clicking it (known as "gesturing")..." (Column 7, Line 46). Kaehler explains that one is able to make the edit handles to appear by simply wiggling (or shaking) the mouse. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kaehler's teaching and modify Beard, to include an option where the user has to wiggle the mouse to instigate an action of displaying all the buoys, or icons, in order to give the user the ability to see all the open windows without having to click any of the mouse buttons and for easier and quicker selection. However if some of the focus buoys are hidden by other windows, the examiner presents the teachings of Diefendorff. Diefendorff teaches, "A porthole window system for computer displays allows a user to look at a portion of a window which could otherwise not be seen. A porthole window acts as an opening in a window of the usual type through which underlying windows may be seen. A porthole window can have different features as desired, including links to selected source and target windows, real time movement on the display screen, and the ability to be updated when a target window is updated." (Abstract, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention modify the teachings of Bears and Kaehler with the teachings of Diefendorff and include the ability to show parts of the screen that would otherwise be

hidden by other windows with the motivation to allow the user to easily and quickly obtain information about what is displayed on the screen.

In regards to claim 2, it is inherent in Beard's invention that there is a table for each of the windows displayed on the screen and an identification of the associated application program, and a pointer to the corresponding window and the location of the focus buoy associated with the window.

In regards to claim 4, Beard's invention discloses that the buoys, or icons, contain a message box, or a little window, to define what the icon, or buoy, represents (Figure 4A, Element 96).

Claim 5 is in the same context as claim 4; therefore it is rejected under similar rationale.

In regards to claim 6, based on Kaehler's teachings as presented in rejection for claim 1, wiggling of the mouse, or shaking of the mouse can be associated with any action, including displaying the window associated with a focus buoy after the focus buoy has been selected and clicked by using the mouse which is taught by Beard (i.e. "A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol." Column 3, Line 14).

Claim 7 is in the same context as claim 6; therefore it is rejected under similar rationale.

In regards to claim 8, based on Kaehler's teachings as presented in rejection for claim 1, wiggling of the mouse, or shaking of the mouse can be associated with any action, including removing the focus buoys, or icons, displayed on the screen which is taught by Beard (i.e. "A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol." Column 3, Line 14).

Claim 9 is in the same context as claim 8; therefore it is rejected under similar rationale.

In regards to claim 16, Beard teaches a method of opening and closing windows in a computer system having a display subsystem, comprising:

(a) opening a plurality of applications (i.e. "FIG. 4A is similar to FIG. 10 and shows a view computer generated of the open window for the loader symbol or icon illustrating various software applications and their status." Column 6, Line 33),

(b) opening at least two windows in the display subsystem, the windows associated with two of the plurality of application (Figure 12, Element 136)

(c) creating at least two focus buoys on the display subsystem, each focus buoy associated with and located on the open windows (Figure 12, top right corner of Element 136)

(d) recording the location of the focus buoys in memory (Inherent in Beard)

(e) layering the at least two windows so that the underlying windows and their respective focus buoys are partially or completely not visible to a user (though its not implicitly described in Beard that you can overlay one window with another to cover up the focus buoy, it is inherent in a windowing system)

Beard does not teach (f) shaking a mouse so that all the underlying focus buoys are displayed on the display subsystem. Kaehler teaches that "... the user causes the edit handles to appear by merely directing the pointer of the pointing device at the selected display object (known as "mouseover" in the art), or by directing the pointer at the selected display object and moving it in a specified manner, such as by wiggling without clicking it (known as "gesturing")..." (Column 7, Line 46). Kaehler explains that one is able to make the edit handles to appear by simply wiggling (or shaking) the mouse. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kaehler's teaching and modify Beard, to include an option where the user has to wiggle the mouse to instigate an action of displaying all the buoys, or icons, in order to give the user the ability to see all the open windows without having to click any of the mouse buttons. However if some of the focus buoys are hidden by other windows, the examiner presents the teachings of Diefendorff. Diefendorff teaches, "A porthole window system for computer displays allows a user to look at a portion of a window which could otherwise not be seen. A porthole window acts as an opening in a window of the usual type through which underlying windows may be seen. A porthole window can have different features as desired, including links to selected source and target windows, real time movement on the display screen, and the ability to be updated

when a target window is updated.” (Abstract, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention modify the teachings of Bears and Kaehler with the teachings of Diefendorff and include the ability to show parts of the screen that would otherwise be hidden by other windows with the motivation to allow the user to easily and quickly obtain information about what is displayed on the screen.

In regards to claim 17, Beard teaches further comprising removing the open windows from the display subsystem (Figure 6).

In regards to claim 18, Beard teaches a method further comprising displaying a little window having the title of the associated window with each of the displayed focus buoys (Figure 4A, Element 96).

In regards to claim 19, Beard teaches a method further comprising obtaining the focus of a window by clicking on its associated focus buoy (i.e. “A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol.” Column 3, Line 14).

In regards to claim 20, based on Kaehler’s teachings as presented in rejection for claim 16, wiggling of the mouse, or shaking of the mouse can be associated with any action, including removing the focus buoys, or icons, displayed on the screen which is taught by Beard (i.e. “A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively

change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol." Column 3, Line 14).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. (US 4939507) and Kaehler et al. (US 5515496) and Diefendorff (US 4868765) in view of Oran (US 5920316).

In regards to claim 3, Beard, Kaehler, and Diefendorff teach all the limitations of claim 2. They do not teach a data processing system wherein said table further comprises, for each of said windows, an alternative location for its respective focus buoy at which to display the focus buoy if the real location is the same as location of a focus buoy associated with a window being already displayed on the screen. In Oran's invention the buoys, or the icons, go on the toolbar in order that the window is opened. If a window was already opened then the next window's buoy is located next to the opened window's buoy (Figure 10B, Elements 34-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard, Kaehler, and Diefendorff with the teachings of Oran and include a system wherein for each focus buoy there is an alternative location with the motivation to make sure that all the focus buoys are visible and are not overlapping.

In regards to claim 10, Beard, Kaehler, and Diefendorff teach all the limitations of claim 1. They do not teach a method to wherein said windows are removed from said screen when said focus buoys are displayed in said screen after said mouse has been

shaken. Based on Kaehler's teachings as presented in rejection for claim 1, wiggling of the mouse, or shaking of the mouse can be associated with any action, including removing the windows from the screen when the focus buoys, or icons, are displayed on the screen which is taught by Oran (i.e. Minimize all windows, Column 8, Line 33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard, Kaehler, and Diefendorff with the teachings of Oran and include a method to minimize all windows with simply shaking of the mouse with the motivation to provide an easy method to clear the screen space.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. (US 4939507) in view of Diefendorff (US 4868765).

In regards to claim 11, Beard teaches a method of displaying windows in a computer having display subsystem, the method comprising the steps of:

(a) opening an application, the application opening a window on the display subsystem (i.e. "FIG. 4A is similar to FIG. 10 and shows a view computer generated of the open window for the loader symbol or icon illustrating various software applications and their status." Column 6, Line 33).

(b) creating a focus buoy associated with the window, the focus buoy displayed on the display subsystem on the window (i.e. Figure 5, Element 108)

(c) storing the location on the display subsystem of the focus buoy in a memory (inherent in Beard)

(d) opening a subsequent application, the subsequent application opening a subsequent window on the display subsystem (Figure 12, Element 136)

(e) creating a subsequent focus buoy associated with the subsequent window, the subsequent focus buoy displayed on the display subsystem with the subsequent window (Figure 12, top right corner of Element 136)

(f) storing the location on the display subsystem of the subsequent focus buoy in the memory (inherent in Beard)

(g) overlaying the window and the focus buoy on the display subsystem with the subsequent window thereby making the focus buoy and all or some of the window not visible and (though its not implicitly described in Beard that you can overlay one window with another to cover up the focus buoy, it is inherent in a windowing system)

(h) sending a command to the display subsystem to display the focus buoy (i.e. "The display screen of the host system represents an abstraction of the business office metaphor and includes software applications, called "ViewPoint" supported by basic workstation (BWS) software to support those applications. The office metaphor includes an office desktop as well as a representation of the emulating processor as the PC emulator, which is represented as a metaphoric icon or symbol on the host system screen, which, when "opened", reveals an emulated PC window." Column 3, Line 56). Since it is not clear in the claims to which focus buoy the applicant wants to display, it could be the case that the hidden buoy is needed for display. For that scenario, the Examiner introduces the Diefendorff reference. Diefendorff teaches, "A porthole window system for computer displays allows a user to look at a portion of a window

which could otherwise not be seen. A porthole window acts as an opening in a window of the usual type through which underlying windows may be seen. A porthole window can have different features as desired, including links to selected source and target windows, real time movement on the display screen, and the ability to be updated when a target window is updated.” (Abstract, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention modify the teachings of Beard with the teachings of Diefendorff and include the ability to show parts of the screen that would otherwise be hidden by other windows with the motivation to allow the user to easily and quickly obtain information about what is displayed on the screen.

In regards to claim 13, Beard teaches a method further comprising: displaying a little window with the focus buoy, the little window containing a title related to its respective window (Figure 4A, Element 96).

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. in view of Diefendorff (US 4868765) in further view of in view of Kaehler et al. (US 5515496)

In regards to claim 12, Beard and Diefendorff teach all the limitations of claim 11. They do not teach a method wherein the step of sending a command to the display subsystem to display the focus buoy further comprises shaking a mouse connected to the computer and the display subsystem. Kaehler teaches that “... the user causes the edit handles to appear by merely directing the pointer of the pointing device at the selected display object (known as “mouseover” in the art), or by directing the pointer at

the selected display object and moving it in a specified manner, such as by wiggling without clicking it (known as "gesturing")..." (Column 7, Line 46). Kaehler explains that one is able to make the edit handles to appear by simply wiggling (or shaking) the mouse. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kaehler's teaching and modify Beard and Diefendorff, to include an option where the user has to wiggle the mouse to instigate an action of displaying all the buoys, or icons, in order to give the user the ability to see all the open windows without having to click any of the mouse buttons.

In regards to claim 15, based on Kaehler's teachings as presented in rejection for claim 12, wiggling of the mouse, or shaking of the mouse can be associated with any action, including removing the focus buoys, or icons, displayed on the screen which is taught by Beard (i.e. "A user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol." Column 3, Line 14).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. (US 4939507) and Diefendorff (US 4868765) and Kaehler et al. (US 5515496) in view of Oran (US 5920316).

In regards to claim 14, Beard, Diefendorff, and Kaehler teach all the limitations of claim 12. They do not teach a method further comprising simultaneously removing the

window and the subsequent window and displaying the focus buoy and the subsequent focus buoy on the display subsystem in response to shaking the mouse. Based on Kaehler's teachings as presented in rejection for claim 12, wiggling of the mouse, or shaking of the mouse can be associated with any action, including removing the windows from the screen when the focus buoys, or icons, are displayed on the screen which is taught by Oran (i.e. Minimize all windows, Column 8, Line 33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard, Kaehler, and Diefendorff with the teachings of Oran and include a method to minimize all windows with simply shaking of the mouse with the motivation to provide an easy method to clear the screen space.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006714222B1

Bjorn et al.

Teaches a method to show floating "magnets" on the screen to represent icons. The magnets are then located besides the window if opened.

US005760773A

Berman et al.

Teaches a method to show a handle besides a window.

US005265202A

Teaches a method to show items (windows) that are obscured by other windows.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

Applicant's arguments with respect to claim 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see Page 12, filed 4/02/2004, with respect to Claims 1-10 have been fully considered and are persuasive. The 35 U.S.C. 112 second paragraph rejection of claims 1-10 has been withdrawn.

Applicant's arguments, see Page 13, filed 4/02/2004, with respect to Claims 4 and 5 have been fully considered and are persuasive. The 35 U.S.C. 112 second paragraph rejection of claims 4 and 5 has been withdrawn.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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